

# GERTNER MANDEL & PESLAK<sup>LLC</sup>

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September 13, 2013

Via efilng and regular mail

Honorable Douglas E. Arpert, U.S.M.J.  
United States Magistrate Judge for the District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, NJ 08608

RE: *Thorner, Craig v. Sony Computer Entertainment America, LLC*  
*Civil Action No.: 3:09-cv-01894-MLC-DEA*

Dear Magistrate Judge Arpert:

As you know, we represent Craig Thorner and Virtual Reality Feedback Corporation in this matter. I write seeking the Court's permission to file a sur-reply in connection with Budd Larner's fee petition. I request permission to do so because Budd Larner's fee petition was not originally filed with a brief. Rather, the Court converted the original petition to a motion. Consequently, Plaintiffs' opposition brief framed the legal issues for the Court's consideration. Budd Larner's reply in essence is an opposition to the legal arguments presented by Plaintiffs. Plaintiffs would like the opportunity to deal with the argument raised by Budd Larner regarding whether or not Budd Larner's lien can extend to the malpractice claims against the Niro firm as well as to comment on the facts submitted to the Court by Budd Larner for the first time in the opposition.

If the Court needs anything further, please contact my office.

Thank you for your consideration.

Respectfully submitted,

  
Arthur M. Peslak

AMP/rc

cc: Allen L. Harris, Esq. via email

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